

REMARKS

A. Information Disclosure Statements

The undersigned thanks the Examiner for the indication of consideration of the submitted Information Disclosure Statements.

B. The Obviousness-Type Double Patenting Rejection

The Examiner rejected claims 1-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-43 of U.S. Patent No. 6,768,791 and claims 1-25 of U.S. Patent No. 6,819,749.

It is noted that claims 1-20 are now canceled. New claims 31-56 are based in some respects from at least some of the claims of U.S. Patent No. 6,768,791. As such, concurrently filed herewith is a terminal disclaimer over U.S. Patent No. 6,768,791 filed in compliance with 37 CFR 1.321(c). Favorable reconsideration is requested.

C. Claim Rejections Under 35 USC § 112

It is respectfully asserted that the rejections of claims 1 and 4 under 35 USC §112 have been rendered moot by the Amendment presented herewith.

D. Claim Rejections Under 35 USC S 102 and 103

Canceled claims 1-20 were subject to rejections in light of the prior art Nagao and in light of a combination of the Nagao and Hanson references. It is respectfully submitted that the currently pending claims 31-56 are patentable distinct from the cited prior art singularly or in combination.

It is noted that Nagao teaches a video conference apparatus which can disconnect a communication line by a simple operation, and automatically return to its previous operating state when the communication line is reconnected. The video conference apparatus does not teach that the stored parameters are associated with the communication channel, but the stored parameters of Nagao are merely related to camera position, zoom parameters, file parameters, and the like which are not related to the communication channel. It is noted that claim 31 includes **“determining first one or more digital impairment attributes of said communication channel based on analyzing said first digital impairment learning sequence”** and **“determining second one or more digital impairment attributes of said communication channel based on analyzing said signal point sequence.”** It is further noted that as claimed the first modem is initialized **“with said one or more parameters to reconnect to said second modem if said first one or more digital impairment attributes are similar to corresponding said second one or more digital impairment attributes.”** It is respectfully submitted that these and other limitations of claim 1 as a whole are absent from the cited references singularly or in combination. Independent claim 46 includes similar limitations and it is respectfully submitted that this claim is also patentably distinct from the cited art.

It is respectfully submitted that no new matter has been added and the elements of the pending claims are supported by the present application, including Figures 4 and 7 and the associated text.

C. Conclusion

In view of the claims amendments and concurrently-filed terminal disclaimer, it is respectfully submitted that claims 31-56 are allowable. Therefore, Applicants submit that all claims of the pending application are in condition for allowance. Reconsideration of the application and claims is courteously solicited.

Attached is a check in the amount of \$130.00 for the Terminal Disclaimers To Obviate A Double Patenting Rejection Over A Prior Patent. Should any additional fees under 37 CFR 1.16-1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct such fees from O'Keefe, Egan & Peterman Deposit Account No. 10-1205/SILA:239C1.

In accordance with 37 CFR 1.136(a)(3), the Commissioner is authorized to treat any concurrent or future reply that requires a petition for an extension of time under 37 CFR 1.126(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time, and the Commissioner is authorized to deduct any requisite extension of time fees under 37 CFR 1.16 to 1.21 from Deposit Account No. 10-1205/ SILA:239C1.

The Examiner is invited to contact the undersigned attorney at (512)-347-1611 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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